

## **PLANNING COMMISSION**

December 2, 2015

Action Report

### **WELCOME**

### **SALUTE TO THE FLAG**

### **ROLL CALL**

PRESENT: Commissioners Yob, Abelite, Ballard, Bit-Badal O'Halloran, Pham, and Yesney

ABSENT: None

### **SUMMARY OF HEARING PROCEDURES**

#### **1. PUBLIC COMMENT**

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*A member of the Public raised concern regarding new development and associated impacts on established neighborhoods, and the opinion that the concerns are not being addressed.*

#### **2. DEFERRALS AND REMOVALS FROM CALENDAR**

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*No Items*

#### **3. CONSENT CALENDAR**

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- a. **CP15-008 & ABC15-003.** Conditional Use Permit and Determination of Public Convenience or Necessity to allow the off-sale of a full range of alcohol at an approximately 1,147 square foot existing grocery store (T&L Market) on an approximately 0.14 gross acre site in the CN Neighborhood Commercial Zoning District located on the northeast corner of North 10th Street and East Julian Street (451 East Julian Street). (Joe Amarlou, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. **PROJECT MANAGER, DAVID FONG**

- 1. DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A CONDITIONAL USE PERMIT AND DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY (7-0-0)**

Access the video, agenda, and related reports for this meeting by visiting the City's website at:

<http://www.sanjoseca.gov/planning/hearings/>

- b. **CP15-064 (Administrative Hearing).** Conditional Use Permit to allow a drinking establishment and late-night use until 2:00 a.m. on an approximately 0.21 gross acre site in the DC Downtown Primary Commercial Zoning District located on the north side of West Santa Clara Street approximately 100 feet east of North Almaden Avenue (169 West Santa Clara Street) (The Farmers Union, Tom McEnergy, Owner). Council District 3. CEQA: Exempt per CEQA Guidelines Section 15303(c) for New Construction or Conversion of Small Structures. *PROJECT MANAGER, ELIZABETH SCHULLER*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-059 (7-0-0)**

- c. **CP15-068 (Administrative Hearing).** Conditional Use Permit to allow the installation of a utility structure and a generator on a 0.97 gross acre site in the R-1-8 Single-Family Residence Zoning District located at the northern corner of Glenbury Way and Thornwood Drive (City of San Jose, Owner). Council District 10. CEQA: Determination of Consistency with Mitigated Negative Declaration for Google Fiber. *PROJECT MANAGER, ROSCOE MATA*

1. **DETERMINED THAT THE MITIGATED NEGATIVE DECLARATION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-060 (7-0-0)**

- d. **CP15-069 (Administrative Hearing).** Conditional Use Permit to allow the installation of a utility structure and a generator and the removal of two (2) ordinance-sized trees on a 0.43 gross acre site in the R-2 Two-Family Residence and CP Commercial Pedestrian Zoning Districts located at the southeast corner of Bird Avenue and Virginia Street (646 Bird Avenue) (City of San Jose, Owner). Council District 3. CEQA: Determination of Consistency with Mitigated Negative Declaration for Google Fiber. *PROJECT MANAGER, ROSCOE MATA*

**PULLED FROM CONSENT CALENDAR AND HEARD UNDER PUBLIC HEARING**

1. **DETERMINED THAT THE MITIGATED NEGATIVE DECLARATION IS IN ACCORDANCE WITH CEQA (7-0-0)**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-061 (7-0-0)**

- e. **CP15-070 (Administrative Hearing).** Conditional Use Permit to allow a dental office in an existing 3,103-square foot industrial condominium office building in the IP Industrial Park Zoning District on a 7.4-gross acre site, located at 6020 Hellyer Ave, Units 100 and 125 (Sai LLC, Owner). Council District: 2. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. *PROJECT MANAGER, JENNIFER PIOZET*

1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (6-0-0-1, ABELITE ABSTAINED); STAFF CLARIFIED THE PROJECT QUALIFIES FOR THE EXEMPTION AS THE PROPOSED USE IS CONSISTENT WITH THE PREVIOUS OFFICE USE**
2. **APPROVED THE CONDITIONAL USE PERMIT – RESOLUTION NO. 15-062 (6-0-0-1, ABELITE ABSTAINED)**

- f. [CPA13-068-01 \(Administrative Hearing\)](#). Conditional Use Permit Amendment to allow a poolroom at an existing late-night commercial indoor recreation facility, amusement arcade, and public eating and drinking establishment (Round One) within an existing shopping mall (Eastridge) on a 64.97-gross acre site in the CG Commercial General Zoning District, located 420 feet northwesterly of the intersection of Eastridge Loop and Eastridge Boulevard (2200 Eastridge Loop) (Eastridge Shopping Center LLC, Owner). Council District 8. CEQA: Exempt per CEQA Guidelines Section 15301(a) for Existing Facilities. **PROJECT MANAGER, REBECCA BUSTOS**
1. **DETERMINED THAT THE EXEMPTION IS IN ACCORDANCE WITH CEQA (7-0-0)**
  2. **APPROVED THE CONDITIONAL USE PERMIT AMENDMENT – RESOLUTION NO. 15-063 (7-0-0)**
- g. [PDC14-038](#). Planned Development Rezoning from the A Agricultural Zoning District to the A(PD) Planned Development Zoning District to allow four residential units (two attached units and two detached units) on an approximately 0.29 gross acre site, located at 1707 Ringwood Avenue (JWC Investments, Inc., Owner). Council District: 4. CEQA: Mitigated Negative Declaration for 1707 Ringwood Avenue. *Deferred from 11/4/15*. **PROJECT MANAGER, LEA SIMVOULAKIS**
1. **RECOMMENDED THE CONSIDERATION AND ADOPTION TO CITY COUNCIL OF THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM (7-0-0)**
  2. **RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (7-0-0)**

#### 4. PUBLIC HEARING

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- a. [PD15-025 \(Administrative Hearing\)](#). APPEAL of the Planning Director's Decision to approve a Planned Development Permit to allow the installation of an 84-foot tall freeway sign with a total 488-square foot sign area, 237 square feet of which is programmable electronic sign, located in the Almaden Ranch Retail Center on a 44.3-gross acre site, in the A(PD) Planned Development Zoning District, located on the southeast corner of Almaden Expressway and Chynoweth Avenue (14540 Almaden Road) (Almaden Ranch LLC, Owner). Council District 9. CEQA: Addendum to the Almaden Ranch EIR, Resolution No. 76168. *Continued from 11/4/15*. **PROJECT MANAGER, REBECCA BUSTOS**
- DEFERRED TO THE 1/27/16 PLANNING COMMISSION MEETING PER STAFF REQUEST TO ALLOW ADDITIONAL COORDINATION WITH THE APPLICANT AND APPEALANT (7-0-0)**
- b. [PDC14-040](#). Planned Development Rezoning to rezone from R-M Residential Zoning District to the R-M (PD) Planned Development Zoning District to allow for the demolition of the existing 216 unit apartment complex and the development of up to 641 multi-family residential units and 8,000 square feet of commercial space on 7.68 gross acre site, located at the northwest corner of S. Winchester Boulevard and Williams Road (881 S. Winchester Boulevard.) (Reserve Reit Inc, Owner). Council District 1. CEQA: Environmental Impact Report for the Reserve Residential Project. **PROJECT MANAGER, LEILA HAKIMIZADEH**
1. **RECOMMENDED THE CONSIDERATION AND CERTIFICATION TO CITY COUNCIL OF THE ENVIRONMENTAL IMPACT REPORT AND ADOPTION OF A MITIGATION MONITORING AND REPORTING PROGRAM (7-0-0)**

## **2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF A PLANNED DEVELOPMENT REZONING ORDINANCE (7-0-0)**

- c. [An Ordinance of the City of San Jose](#) amending Title 20 of the San José Municipal Code (the Zoning Ordinance) to amend: Section 20.30.100 of Chapter 20.30 (Residential Zoning Districts) to expand the number of hours and range of sites with public/quasi-public uses on which Outdoor Vending of Fresh Fruits and Vegetables may be allowed as a Permitted Use (without an Administrative Permit); and Part 10 of Chapter 20.80 (Specific Use Regulations, Outdoor Vending Facilities) to lessen the restrictiveness of the specific criteria with which Outdoor Vending of Fresh Fruits and Vegetables and other products must comply as a Permitted Use (without an Administrative Permit); all to further implement the Design for a Healthful Community Major Strategy, the Vibrant Neighborhoods Goals and Policies, the Economic Development Goals and Policies, and the Land Use Goals and Policies set forth within the Envision San José 2040 General Plan and to make other technical, formatting or other nonsubstantive changes within Title 20. CEQA: Envision San José 2040 General Plan EIR, Resolution No. 76041, and Addenda thereto; Pursuant to Section 15168 of the CEQA Guidelines, the City of San José has determined that this activity is within the scope of the earlier approved program, and the Final Program EIR adequately describes the activity for purposes of CEQA. The project does not involve new significant effects beyond those analyzed in the Final Program EIR. File Nos. PP13-024 and PP15-117. *PROJECT MANAGER, JENNY NUSBAUM*

- 1. CONSIDERED THAT THE ENVISION SAN JOSE 2040 GENERAL PLAN EIR, RESOLUTION NO. 76041, AND ADDENDA THERETO, IS IN ACCORDANCE WITH CEQA (7-0-0)**
- 2. RECOMMENDED TO THE CITY COUNCIL THE APPROVAL OF AN ORDINANCE AMENDING TITLE 20 OF THE SAN JOSE MUNICIPAL CODE (7-0-0)**

## **5. CONTINUE THE GENERAL PLAN AMENDMENTS HEARING**

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## **6. GENERAL PLAN PUBLIC HEARING**

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- a. [PP15-060 & GPT15-002](#). The review and adoption of a Draft Supplemental Program Environmental Impact Report (Draft Supplemental PEIR) to the Envision San José 2040 General Plan to provide additional analysis and information on greenhouse gas emissions to supplement the Envision San José 2040 General Plan Program EIR. The Draft Supplemental PEIR is intended to inform the decision makers and general public of the environmental effects of greenhouse gas emissions and global climate change associated with continued implementation of the Envision San José 2040 General Plan. The project also consists of text revisions to the Envision San José 2040 General Plan including, but not limited to, the update and re-adoption of the City's Greenhouse Gas Reduction Strategy. Council District: Citywide. CEQA: Supplemental Environmental Impact Report to the Envision San José 2040 General Plan Program EIR (State Clearinghouse No. 2009072096) certified by the City of San José on November 1, 2011. *PROJECT MANAGER, JARED HART*

- 1. CONSIDERED THAT THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN EIR (STATE CLEARINGHOUSE NO. 2009072096), IS IN ACCORDANCE WITH CEQA (6-0-0-1, YESNEY ABSTAINED)**

2. **RECOMMENDED THE REVIEW AND ADOPTION TO CITY COUNCIL OF A DRAFT SUPPLEMENTAL PROGRAM ENVIRONMENTAL IMPACT REPORT TO THE ENVISION SAN JOSE 2040 GENERAL PLAN (6-0-0-1, YESNEY ABSTAINED)**
3. **RECOMMENDED TO CITY COUNCIL THE APPROVAL OF THE GENERAL PLAN TEXT AMENDMENT (6-0-0-1, YESNEY ABSTAINED)**

## **7. CLOSE THE GENERAL PLAN AMENDMENTS HEARING**

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## **8. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES**

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*No Items*

## **9. GOOD AND WELFARE**

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- a. Report from City Council

*No Items*

- b. Review and Approve Synopsis from [11-18-15](#)

*Synopsis Approved (4-0-2-1, Yesney Absent; Yob & Bit-Badal Abstained)*

- c. Subcommittee Formation, Reports, and Outstanding Business

*No Reports*

- d. Commission Calendar and Study Sessions

*No Items*

- e. [The Public Record](#)

*No Items*

## **ADJOURNMENT**